IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 536 OF 2004

IN

SUIT NO. 4913 OF 2000

Majid A. Oomerbhoy ..Plaintiff

versus

Rashid S. Oomerbhoy & Ors. ..Defendants

And

M/s. Prince Multiplast

Pvt. Ltd. ..Applicants

Mr. Prakash Shinde i/b. M/s. M. Dhurva & Co. for the Plaintiff.

Mr. K. Joshi i/b. M/s. Malvi Ranchoddas & Co. for the Defendants No.1.

Ms. Neeta Solanki i/b. M/s. Kiran Jain & Co. for the Applicants.

CORAM : D. G. DESHPANDE,J.

DATE : 24TH SEPTEMBER, 2004.

P.C. :

1. Heard Advocates for the Plaintiff, Defendants No.1 and Applicants. An order was passed by this Court which is referred to in affidavit in support of this notice of motion. It is order dated

31.7.2001. Court Receiver was directed to appoint the Chartered Accountant to work out the amount that the said firm is liable to pay to the employees towards statutory dues as also to the suppliers. According to the applicant she is one of the suppliers of the plaintiff and she has to receive certain amount, therefore she has taken out this notice of motion.

2. Counsel for the plaintiff and the defendant no.1 contends that if at all the applicants have any claim against the plaintiff she will have to take appropriate proceedings, namely, filing a suit which other suppliers have done by filing summary suits. Counsel for the applicant agrees to consider this legal aspect. She however prays that in the meantime the Receiver can be directed to refer the claim of the applicant to the Chartered Accountant appointed by the Court Receiver for verifying the claim of the applicant on the basis of documents in their possession. Receiver to give necessary directions to the Chartered Accountant in that regard. With this, notice of motion is allowed to be withdrawn.

3. Certified copy expedited.

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